

**IN THE UNITED STATES DISTRICT COURT
OF THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

EPICREALM, LICENSING, LLC §
§
v § **No. 2:05CV163**
§
AUTOFLEX LEASING, INC., et al. §

EPICREALM, LICENSING, LLC §
§
v § **No. 2:05CV356**
§
FRANKLIN COVEY CO., et al. §

**ORDER ADOPTING REPORT AND RECOMMENDATION
REGARDING CLAIM CONSTRUCTION**

The above-entitled and numbered civil action was heretofore referred to United States Magistrate Judge Caroline M. Craven pursuant to 28 U.S.C. § 636. The Report and Recommendation Regarding Claim Construction of the Magistrate Judge which contains her proposed findings of fact and recommendations for the disposition of such action has been presented for consideration. Plaintiff and Defendants both filed objections to the Report and Recommendation of the Magistrate Judge. The Court conducted a *de novo* review.

The Court, having reviewed the relevant briefing, finds the parties' objections are without merit. In their briefing, the parties address, among other things, the word "mechanism" as used in the Magistrate Judge's discussion of the construction of "Web page." See Report and Recommendation at pgs. 8-9 ("As described within the

specification, a Web page is a mechanism through which static and dynamic content may be displayed.”)(emphasis added). A Web page may include static or dynamic content. However, the Magistrate Judge’s construction of “Web page” as “Web content displayable through a Web browser” does not include the word “mechanism.” The Court adopts the construction of “web page” as proposed by the Magistrate Judge, and with the exception of the use of the word “mechanism,” the Court also adopts the reasoning of the Magistrate Judge with respect to the construction of “Web page.”

The Court is of the opinion that the findings and conclusions of the Magistrate Judge are correct. Therefore, the Court hereby adopts the Report of the United States Magistrate Judge as the findings and conclusions of this Court.

IT IS SO ORDERED.

SIGNED this 30th day of October, 2006.



DAVID FOLSOM
UNITED STATES DISTRICT JUDGE